

ENGROSSED HOUSE BILL No. 1151

DIGEST OF HB 1151 (Updated February 16, 2004 12:44 pm - DI 102)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-11; IC 3-12; IC 3-14; IC 33-16; IC 35-44; noncode.

Synopsis: Absentee ballots. Defines "household" for election code purposes. Exempts 16 and 17 year olds who serve as precinct election workers from obtaining a work certificate or complying with certain restrictions regarding hours worked on school days. Specifies the requirements for a county voter registration office to conduct a voter list maintenance program. Requires an absentee ballot application to be filed within specific times. Requires an individual who files an absentee ballot application for another individual to sign an affidavit attesting to certain information. Requires an applicant for an absentee ballot to affirm the content of the application under the penalties for perjury. Permits an absentee voter board or the circuit court clerk to compare the signature on an absentee ballot application to the signature on the voter's registration record to make certain determinations regarding the validity of an absentee ballot. Permits a county election board member or an absentee voter board member to file an affidavit alleging that an absentee ballot application has not been filed according to law. Exempts a polling place located outside of a precinct or township in an accessible facility from being located in a public (Continued next page)

Effective: January 1, 2004 (retroactive); upon passage; July 1, 2004.

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(SENATE SPONSORS — LAWSON C, BREAUX)

January 13, 2004, read first time and referred to Committee on Elections and Apportionment.

January 29, 2004, amended, reported — Do Pass.
February 4, 2004, read second time, amended, ordered engrossed.
February 5, 2004, engrossed. Read third time, passed. Yeas 85, nays 10.

SENATE ACTION
February 10, 2004, read first time and referred to Committee on Elections and Civic

February 17, 2004, amended, reported favorably — Do Pass.



Digest Continued

building. With the unanimous consent of both county election boards, permits a polling place to be located in an accessible facility in an adjoining county. Specifies the procedures that may be used to designate the chute. Provides that a person may not engage in electioneering in the presence of an individual who possesses an absentee ballot. Requires certain persons who deliver an absentee ballot to a voter to affirm certain facts under penalties for perjury. Makes other changes relating to absentee ballots, eligibility of individuals serving as watchers, and the recounting of ballots. Establishes new criminal offenses relating to fraud and misrepresentation in elections. Permits an individual conducting an accessibility survey to enter the polls on election days in 2004. Requires the legislative council to direct a legislative study committee to study existing criminal penalties for election law violations. Legalizes the deposit of oaths of political subdivision officers made after the statutory deadline and before March 1, 2004.





Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1151

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.4. "Household" has the meaning set forth in the Profiles of General Demographic Characteristics, Census 2000, United States Census Bureau.

SECTION 2. IC 3-6-6-39, AS AMENDED BY P.L.209-2003, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

- (1) The individual is at least sixteen (16) years of age but not more than seventeen (17) years of age.
- (2) The individual is a citizen of the United States.
- (3) The individual is a resident of the county.
- 17 (4) The individual has a cumulative grade point average

EH 1151—LS 7090/DI 75+



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1	equivalent to not less than 3.0 on a 4.0 scale.
2	(5) The individual has the written approval of the principal of the
3	school the individual attends at the time of the appointment or, if
4	the student is educated in the home, the approval of the individual
5	responsible for the education of the student.
6	(6) The individual has the approval of the individual's parent or
7	legal guardian.
8	(7) The individual has satisfactorily completed any training
9	required by the county election board.
10	(8) The individual otherwise is eligible to serve as a precinct
11	election officer under this chapter.
12	(b) After January 1, 2004, An individual appointed to a precinct
13	election office or assistant under this section:
14	(1) must serve in a nonpartisan manner in accordance with the
15	standards developed by the Help America Vote Foundation under
16	36 U.S.C. 152602; and
17	(2) while serving as a precinct election officer or assistant:
18	(A) is not required to obtain an employment certificate
19	under IC 20-8.1-4-1; and
20	(B) is not subject to the limitations on the time and
21	duration of employment under:
22	(i) IC 20-8.1-4-20; or
23	(ii) IC 20-8.1-4-21(b).
24	SECTION 3. IC 3-6-8-2.5 IS AMENDED TO READ AS
25	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) A watcher
26	appointed under this chapter must satisfy both of the following:
27	(1) A watcher must be a registered voter of the county.
28	(2) A watcher may not be related to a candidate in a manner
29	that would disqualify the watcher to serve as a precinct
30	election officer under IC 3-6-6-7(a)(4).
31	SECTION 4. IC 3-7-33-4.5, AS ADDED BY P.L.209-2003,
32	SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 34	UPON PASSAGE]: Sec. 4.5. (a) This section applies after December
	31, 2003. (b) (c) Execut as provided in subsection (c) (b) this section applies
35	(b) (a) Except as provided in subsection (c), (b), this section applies
36 27	to an individual who: (1) submits an application to register to vote by mail under
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38	IC 3-7-22; and (2) has not previously voted in:
39 40	(2) has not previously voted in:
40 41	(A) a general election in Indiana (or a special election for federal office in Indiana); or
41 42	(B) a general election (or a special election for federal office)
+ 4	to la general election foi a special election for legeral office)



1	in the county where the individual has submitted an
2	application under this chapter if a statewide voter registration
3	system is not operational in accordance with the requirements
4	of IC 3-7-26 and 42 U.S.C. 15483 on the date the application
5	is received by the county voter registration office.
6	(c) (b) This section does not apply to an individual who complies
7	with the requirements in any of the following:
8	(1) The individual submits an application to register to vote by
9	mail under this chapter and includes with that mailing a copy of:
10	(A) a current and valid photo identification; or
11	(B) a current utility bill, bank statement, government check,
12	paycheck, or government document;
13	that shows the name and residence address of the voter stated on
14	the voter registration application.
15	(2) The individual submits an application to register to vote by
16	mail under this chapter that includes the individual's:
17	(A) Indiana driver's license number; or
18	(B) last four (4) digits of the individual's Social Security
19	number;
20	and the county voter registration office or election division
21	matches the information submitted by the applicant with an
22	existing Indiana identification record bearing the same number,
23	name, and date of birth set forth in the voter registration
24	application.
25	(3) The individual is an absent uniformed services voter or
26	overseas voter.
27	(4) The individual is entitled to vote other than in person under
28	the federal Voting Accessibility for the Elderly and Handicapped
29	Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by
30	the election division that a permanent or temporarily accessible
31	polling place cannot be provided for the individual.
32	(5) The individual is entitled to vote other than in person under
33	any other federal law.
34	(d) (c) When a county voter registration office receives a voter
35	registration application by mail, the office shall determine whether the
36	applicant is subject to the requirements to provide additional
37	documentation under this section and 42 U.S.C. 15483.
38	(e) (d) As required by 42 U.S.C. 15483, a county voter registration
39	office shall administer the requirements of this section in a uniform and
40	nondiscriminatory manner.
41	(f) (e) If the county voter registration office determines that the



applicant:

1	(1) is not required to submit additional documentation under this	
2	section; or	
3	(2) has provided the documentation required under this section;	
4	the county voter registration office shall process the application in	
5	accordance with section 5 of this chapter.	
6	(g) (f) If the county voter registration office determines that the	
7	applicant is required to submit additional documentation under this	
8	section and 42 U.S.C. 15483, the office shall process the application	
9	under section 5 of this chapter and, if the applicant is otherwise eligible	
10	to vote, add the information concerning this documentation to the	(
11	voter's computerized registration entry under IC 3-7-27-20(c).	
12	(h) (g) The county voter registration office shall remove the notation	
13	described in subsection (g) (f) after the voter votes in an election for a	
14	federal office.	
15	SECTION 5. IC 3-7-38.2-2, AS AMENDED BY P.L.209-2003,	
16	SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	- (
17	UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program	•
18	conducted under this chapter or before January 1, 2006, IC 3-7-38.1	
19	must be:	
20	(1) uniform, nondiscriminatory, and in compliance with the	
21	Voting Rights Act of 1965 (42 U.S.C. 1973);	
22	(2) not result in the removal of the name of a person from the	
23	official list of votes solely due to the person's failure to vote; and	
24	(3) completed not later than ninety (90) days before a primary,	•
25	general, or municipal election.	
26	(b) A county voter registration office may conduct a voter list	
27	maintenance program that complies with subsection (a). In	
28	conducting a voter list maintenance program, the county voter	
29	registration office shall mail a notice described in subsection (d) to	1
30	each registered voter at the residence address:	
31	(1) listed in the voter's registration record; and	
32	(2) determined by the county voter registration office not to	
33	be the voter's current residence address.	
34	(c) A county voter registration office may use information only	
35	from the following sources to make the determination under	
36	subsection (b)(2):	
37	(1) The United States Postal Service National Change of	
38	Address Service.	
39	(2) A court regarding jury duty notices.	
40	(3) The return of a mailing sent by the county voter	
41	registration office to all voters in the county.	
42	(4) The bureau of motor vehicles concerning the surrender of	



1	a voter's Indiana license for the operation of a motor vehicle	
2	to another jurisdiction.	
3	(d) The notice described in subsection (b) must:	
4	(1) be sent by first class United States mail, postage prepaid,	
5	by a method that requires the notice to be forwarded to the	
6	voter; and	
7	(2) include a postage prepaid return card that:	
8	(A) is addressed to the county voter registration office;	
9	(B) states a date by which the card must be returned or the	
10	voter's registration will become inactive until the	
11	information is provided to the county voter registration	
12	office; and	
13	(C) permits the voter to provide the voter's current	
14	residence address.	
15	(e) If a voter returns the card described in subsection (d)(2) and	
16	provides a current residence address that establishes that the voter	
17	resides:	
18	(1) in the county, the county voter registration office shall	
19	update the voter's registration record; or	
20	(2) outside the county, the county voter registration office	
21	shall cancel the voter's registration.	
22	(f) If a voter does not return the card described in subsection	
23	(d)(2) by the date specified in subsection (d)(2)(B), the county voter	
24	registration office shall indicate in the voter's registration record	
25	that the voter's registration is inactive.	
26	(g) A voter's registration that becomes inactive under subsection	
27	(f) remains in inactive status from the date described in subsection	
28	(d)(2)(B) until the earlier of the following:	V
29	(1) The date the county voter registration office updates or	
30	cancels the voter's registration under subsection (e) after the	
31	voter provides a current residence address.	
32	(2) The day after the second general election in which the	
33	voter has not voted or appeared to vote.	
34	(h) After the date described in subsection (g)(2), the county	
35	voter registration office shall remove the voter's registration from	
36	the voter registration records.	
37	SECTION 6. IC 3-11-4-1, AS AMENDED BY P.L.126-2002,	
38	SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
39	JULY 1, 2004]: Sec. 1. (a) A voter who is otherwise qualified to vote	
40	in person is entitled to vote by absentee ballot: Except	
41	(1) by mail;	
12	(2) before an absentee voter board as otherwise provided in this	



1	article; a voter voting by absentee ballot must vote	
2	(3) in the office of the circuit court clerk; or	
3	(4) at a satellite office established under IC 3-11-10-26.3.	
4	(b) A county election board, by unanimous vote of its entire	
5	membership, may authorize a person who is otherwise qualified to vote	
6	in person to vote by absentee ballot if the board determines that the	
7	person has been hospitalized or suffered an injury following the final	
8	date and hour for applying for an absentee ballot that would prevent the	
9	person from voting in person at the polls.	
10	(c) The commission, by unanimous vote of its entire membership,	1
11	may authorize a person who is otherwise qualified to vote in person to	
12	vote by absentee ballot if the commission determines that an	
13	emergency prevents the person from voting in person at a polling place.	
14	(d) The absentee ballots used in subsection (b) or (c) must be the	
15	same official absentee ballots as described in section 12 and 13 of this	
16	chapter. Taking into consideration the amount of time remaining before	- (
17	the election, the commission shall determine whether the absentee	,
18	ballots are transmitted to and from the voter by mail or personally	
19	delivered. An absentee ballot that is personally delivered shall comply	
20	with the requirements in sections 19, 20, and 21 of this chapter.	
21	SECTION 7. IC 3-11-4-2, AS AMENDED BY P.L.126-2002,	ı
22	SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
23	UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee	
24	ballot must apply to the county election board for an official absentee	
25	ballot. Except as provided in subsection (b), the voter must sign the	
26	absentee ballot application.	_
27	(b) If a voter with disabilities is unable to sign the absentee	\
28	ballot application and the voter has not designated an individual to	
29	serve as attorney in fact for the voter, the county election board	١
30	may designate an individual to sign the application on behalf of the	
31	voter. If an individual applies for an absentee ballot as the properly	
32	authorized attorney in fact for a voter, the attorney in fact must attach	
33	a copy of the power of attorney to the application.	
34	(c) A person who assists an individual in completing an absentee	
35	ballot application shall state the following information on the	
36	application:	
37	(1) The full name, residence and mailing address, and daytime	
38	and evening telephone numbers (if any) of the individual	
39	submitting the application.	
40	(2) The date and location at which this assistance was	
41	provided.	
42	(3) That the individual has no knowledge or reason to believe	



1	that the individual submitting the application:
2	(A) is ineligible to vote or ineligible to cast an absentee
3	ballot; or
4	(B) did not properly complete and sign the application.
5	(d) A person who receives a completed absentee ballot
6	application from the individual who has applied for the absentee
7	ballot shall file the application with the appropriate county election
8	board not later than:
9	(1) noon seven (7) days after the individual receives the
10	application; or
11	(2) the deadline set by Indiana law for filing the application
12	with the board;
13	whichever occurs first.
14	(e) An individual filing an absentee ballot application received
15	from another individual must sign an affidavit at the time of filing
16	the application. The affidavit must be in a form prescribed by the
17	commission. The form must include the following:
18	(1) A statement of the full name, residence and mailing
19	address, and daytime and evening telephone numbers (if any)
20	of the individual submitting the application.
21	(2) A statement that the individual filing the affidavit has
22	complied with the Indiana laws governing the submission of
23	absentee ballot applications.
24	(3) A statement that the individual has no knowledge or
25	reason to believe that the individual whose application is to be
26	filed:
27	(A) is ineligible to vote or to cast an absentee ballot; or
28	(B) did not properly complete and sign the application.
29	(4) A statement that the individual is executing the affidavit
30	under the penalties of perjury.
31	(5) A statement setting forth the penalties for perjury.
32	(f) The county election board shall record the date and time of
33	the filing of the affidavit and provide the individual with a file
34	stamped copy of the affidavit without collecting any copying fee.
35	SECTION 8. IC 3-11-4-5.1 IS AMENDED TO READ AS
36	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) The
37	commission shall prescribe the form of an application for an absentee
38	ballot.
39	(b) This subsection does not apply to the form for an absentee
40	ballot application to be submitted by an absent uniformed services
41	voter or overseas voter which contains a standardized oath for

those voters. The form of the application for an absentee ballot



1	must:	
2	(1) require the applicant to swear to or affirm under the	
3	penalties of perjury that all the information set forth on the	
4	application is true to the best of the applicant's knowledge and	
5	belief;	
6	(2) require a person who assisted with the completion of the	
7	application to swear to or affirm under the penalties of	
8	perjury the statements set forth in section 2(c) of this chapter;	
9	and	_
10	(3) set forth the penalties for perjury.	4
11	(c) The form prescribed by the commission shall require that a voter	
12	who:	
13	(1) requests an absentee ballot; and	
14	(2) is eligible to vote in the precinct under IC 3-10-11 or	
15	IC 3-10-12;	
16	must include the affidavit required by IC 3-10-11 or a written	4
17	affirmation described in IC 3-10-12.	
18	SECTION 9. IC 3-11-4-17.5, AS AMENDED BY P.L.209-2003,	
19	SECTION 114, IS AMENDED TO READ AS FOLLOWS	
20	[EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an	
21	application for an absentee ballot, the county election board (or the	
22	absentee voter board in the office of the circuit court clerk) shall	
23	determine if:	
24	(1) the applicant is a voter of the precinct in which the applicant	
25	resides, according to the records of the county voter registration	
26	office;	_
27	(2) the information set forth on the application appears to be	
28	true; and	
29	(3) the application has been completed and filed in accordance	
30	with Indiana and federal law.	
31	If the members of the absentee voter board are unable to agree	
32	about any of the determinations described in subdivisions (1)	
33 34	through (3), the issue shall be referred to the county election board	
35	for determination. The members of the absentee voter board or the county election board may compare the voter's signature on the	
36	application with the voter's signature on the voter's registration	
37	record to make a determination under this subsection.	
38	(b) If:	
39	(1) the applicant is not a voter of the precinct according to the	
40	registration record; or if	
41	(2) the application as completed and filed:	
42	(A) contains a false statement; or	
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1	(B) does not otherwise comply with this chapter), Indiana or
2	federal law;
3	as alleged under section 18.5 of this chapter, the county election
4	board shall deny the application.
5	(b) (c) This subsection applies after December 31, 2003, to an
6	absentee ballot application submitted by an absent uniformed services
7	voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d),
8	if the application is denied, the county election board shall provide the
9	voter with the reasons for the denial of the application. Unless the voter
10	is present when the board denies the application, the board shall send
11	a written notice stating the reasons for the denial to the voter. The
12	notice must be sent:
13	(1) not later than forty-eight (48) hours after the application is
14	denied; and
15	(2) to the voter at the address at which the voter requested that the
16	absentee ballot be mailed.
17	(c) This subsection applies after December 31, 2003.
18	(d) If the county election board determines that the applicant is a
19	voter of the precinct under subsection (a), the board shall then
20	determine whether:
21	(1) the applicant was required to file any additional
22	documentation under IC 3-7-33-4.5; and
23	(2) the applicant has filed this documentation according to the
24	records of the county voter registration office.
25	If the applicant has not filed the required documentation, the county
26	election board shall approve the application if the application otherwise
27	complies with this chapter. The board shall add a notation to the
28	application and to the record compiled under section 17 of this chapter
29	indicating that the applicant will be required to provide additional
30	documentation to the county voter registration office under
31	IC 3-7-33-4.5 before the absentee ballot may be counted.
32	(d) (e) If the applicant:
33	(1) is a voter of the precinct according to the registration record;
34	(2) states on the application that the applicant resides at an
35	address that is within the same precinct but is not the same
36	address shown on the registration record; and
37	(3) after December 31, 2005, provides a voter identification
38	number on the application to permit transfer of registration under
39	IC 3-7-13-13;
40	the county election board shall direct the county voter registration
41	office to transfer the applicant's voter registration address to the

address within the precinct shown on the application. The applicant's



1	application for an absentee ballot shall be approved if the applicant is
2	otherwise eligible to receive the ballot under this chapter.
3	SECTION 10. IC 3-11-4-18, AS AMENDED BY P.L.209-2003,
4	SECTION 116, IS AMENDED TO READ AS FOLLOWS
5	[EFFECTIVE JULY 1, 2004]: Sec. 18. (a) If a voter satisfies any of the
6	following, The county election board shall, at the request of the voter,
7	mail the official ballot, postage fully prepaid, to the voter at the address
8	stated in the application.
9	(1) The voter will be absent from the county on election day.
10	(2) The voter will be absent from the precinct of the voter's
11	residence on election day because of service as:
12	(A) a precinct election officer under IC 3-6-6;
13	(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
14	(C) a challenger or pollbook holder under IC 3-6-7; or
15	(D) a person employed by an election board to administer the
16	election for which the absentee ballot is requested.
17	(3) The voter will be confined on election day to the voter's
18	residence, to a health care facility, or to a hospital because of an
19	illness or injury.
20	(4) The voter is a voter with disabilities.
21	(5) The voter is an elderly voter.
22	(6) The voter is prevented from voting due to the voter's care of
23	an individual confined to a private residence because of illness or
24	injury.
25	(7) The voter is scheduled to work at the person's regular place of
26	employment during the entire twelve (12) hours that the polls are
27	open.
28	(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
29	(b) This subsection applies after December 31, 2003. If the county
30	election board mails an absentee ballot to a voter required to file
31	additional documentation with the county voter registration office
32	before voting by absentee ballot under this chapter, the board shall
33	include a notice to the voter in the envelope mailed to the voter under
34	section 20 of this chapter. The notice must inform the voter that the
35	voter must file the additional documentation required under
36	IC 3-7-33-4.5 with the county voter registration office not later than
37	noon on election day for the absentee ballot to be counted. The
38	commission shall prescribe the form of this notice under IC 3-5-4-8.
39	(c) The ballot shall be mailed:
40	(1) on the day of the receipt of the voter's application; or
41	(2) not more than five (5) days after the date of delivery of the



ballots under section 15 of this chapter;

1	whichever is later.
2	(d) In addition to the ballot mailed under subsection (c), the county
3	election board shall mail a special absentee ballot for overseas voters.
4	(e) The ballot described in subsection (d):
5	(1) must be mailed:
6	(A) on the day of the receipt of the voter's application; or
7	(B) not more than five (5) days after the date of delivery of the
8	ballots under section 13(b) of this chapter;
9	whichever is later; and
10	(2) may not be mailed after the absentee ballots described by
11	section 13(a) of this chapter have been delivered to the circuit
12	court clerk or the clerk's authorized deputy.
13	(f) This subsection applies after December 31, 2005. As required by
14	42 U.S.C. 15481, an election board must establish a voter education
15	program (specific to a paper ballot or optical scan ballot card provided
16	as an absentee ballot under this chapter) to notify a voter of the effect
17	of casting multiple ballots for a single office.
18	(g) This subsection applies after December 31, 2005. As provided
19	by 42 U.S.C. 15481, when an absentee ballot is mailed under this
20	section, the mailing must include:
21	(1) information concerning the effect of casting multiple votes for
22	an office; and
23	(2) instructions on how to correct the ballot before the ballot is
24	cast and counted, including the issuance of replacement ballots.
25	SECTION 11. IC 3-11-4-18.5 IS ADDED TO THE INDIANA
26	CODE AS A NEW SECTION TO READ AS FOLLOWS
27	[EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) Upon receipt of an
28	absentee ballot application, a member of the county election board
29	or a member of an absentee voter board may file an affidavit with
30	the county election board alleging that the application:
31	(1) is not submitted by a voter of the precinct;
32	(2) contains a false statement; or
33	(3) has not been executed or filed in accordance with Indiana
34	or federal law.
35	(b) The affidavit must be in a form prescribed by the
36	commission and state the following:
37	(1) The name and title of the individual filing the affidavit.
38	(2) A brief statement of the facts known or believed by the
39	individual regarding why:
40	(A) the applicant is not a voter of the precinct;
41	(B) the application contains a false statement; or
12	(C) the application has not been executed or filed in



1	accordance with Indiana or federal law.	
2	(3) That the individual is executing the affidavit under the	
3	penalties of perjury.	
4	(4) The penalties for perjury.	
5	(c) Upon the filing of the affidavit, the approval or denial of the	
6	application shall be referred to the county election board, which	
7	shall promptly conduct a hearing on the matter.	
8	(d) The county election board may act under IC 3-6-5-31 to	
9	refer the matter to the appropriate prosecuting attorney.	
10	SECTION 12. IC 3-11-4-21, AS AMENDED BY P.L.209-2003,	4
11	SECTION 117, IS AMENDED TO READ AS FOLLOWS	
12	[EFFECTIVE UPON PASSAGE]: Sec. 21. (a) On the other side of the	
13	envelope required by section 20 of this chapter shall be printed an	
14	affidavit in conformity with 42 U.S.C. 1973ff-1(b), providing that the	
15	voter affirms under penalty of perjury that the following information is	
16	true:	4
17	(1) The name of the precinct and township (or ward and city or	
18	town).	
19	(2) That the voter is:	
20	(A) a resident of; or	
21	(B) entitled under IC 3-10-11 or IC 3-10-12 to vote in;	
22	the precinct.	
23	(3) The voter's complete residence address, including the name of	
24	the city or town and county.	
25	(4) That the voter is entitled to vote in the precinct, the type of	
26	election to be held, and the date of the election.	
27	(5) That:	
28	(A) the voter has personally marked the enclosed ballot or	,
29	ballots in secret and has enclosed them in this envelope and	
30	sealed them without exhibiting them to any other person;	
31	(B) the voter personally marked the enclosed ballot or ballots,	
32	enclosed them in this envelope, and sealed them with the	
33	assistance of an individual whose name is listed on the	
34	envelope and who affirms under penalty of perjury that the	
35	voter was not coerced or improperly influenced by the	
36	individual assisting the voter or any other person, in a manner	
37	prohibited by state or federal law, to cast the ballot for or	
38	against any candidate, political party, or public question; or	
39	(C) as the properly authorized attorney in fact for the	
40	undersigned under IC 30-5-5-14, the attorney in fact affirms	
41	the voter personally marked the enclosed ballot or ballots in	
42	secret and enclosed them in this envelope and sealed them	



1	without exhibiting them to the attorney in fact or to any other
2	person.
3	(6) The date and the voter's signature.
4	(b) If the affidavit is signed by an attorney in fact, the name of the
5	attorney in fact must be indicated.
6	(c) A guardian or conservator of an individual may not sign an
7	affidavit for the individual under this section unless the guardian or
8	conservator also holds a power of attorney authorizing the guardian or
9	conservator to sign the affidavit.
10	(d) The side of the envelope containing this affidavit must also
11	set forth the penalties for perjury.
12	SECTION 13. IC 3-11-8-3, AS AMENDED BY P.L.116-2003,
13	SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14	UPON PASSAGE]: Sec. 3. (a) Before each election each county
15	executive shall secure for each precinct of the county an accessible
16	facility in which to hold the election.
17	(b) If an accessible facility is not available within the precinct, then
18	the polls may be located in a public building in an adjoining precinct
19	if the public building is: polls are:
20	(1) either:
21	(A) not more than one (1) mile from the closest boundary of
22	the precinct for which it is the polls; or
23	(B) located in the same township as the precinct that does not
24	have an accessible facility available; and
25	(2) an accessible facility.
26	(c) If the county election board, by a unanimous vote of its entire
27	membership, determines that an accessible facility is not available
28	under subsection (b), the board may locate the polls in the most
29	convenient available accessible facility in the county.
30	(d) If the county election board, by a unanimous vote of its
31	entire membership, determines that:
32	(1) an accessible facility is not available under subsection (b)
33	or (c); and
34	(2) the most convenient accessible facility is located in a
35	adjoining county;
36	the board may locate the polls in that facility with the unanimous
37	consent of the entire membership of the county election board of
38	the county in which the facility is located.
39	SECTION 14. IC 3-11-8-7, AS AMENDED BY P.L.69-2003,
40	SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41	UPON PASSAGE]: Sec. 7. In preparing the polls for an election, the
42	county executive shall:



1	(1) have placed within the room a railing separating the part of the
2	room to be occupied by the precinct election board from that part
3	of the room to be occupied by the voting machines, ballot card
4	voting systems, electronic voting systems, and the three (3) or
5	more booths or compartments for marking paper ballots,
6	whenever either or two (2) of these voting systems are used;
7	(2) ensure that the portion of the room set apart for the precinct
8	election board includes a door at which each voter appears for
9	challenge; and
10	(3) provide a method or material for designating the
11	boundaries of the chute, such as with a railing, rope, or wire on
12	each side, beginning a distance equal to the length of the chute (as
13	defined in IC 3-5-2-10) away from and leading to the door for
14	challenge and to the room in which the election is held.
15	SECTION 15. IC 3-11-10-24, AS AMENDED BY P.L.126-2002,
16	SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17	JULY 1, 2004]: Sec. 24. (a) Except as provided in subsection (b), a
18	voter who satisfies any of the following is entitled to vote by mail.
19	(1) The voter will be absent from the county on election day.
20	(2) The voter will be absent from the precinct of the voter's
21	residence on election day because of service as:
22	(A) a precinct election officer under IC 3-6-6;
23	(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
24	(C) a challenger or pollbook holder under IC 3-6-7; or
25	(D) a person employed by an election board to administer the
26	election for which the absentee ballot is requested.
27	(3) The voter will be confined on election day to the voter's
28	residence, to a health care facility, or to a hospital because of an
29	illness or injury.
30	(4) The voter is a voter with disabilities.
31	(5) The voter is an elderly voter.
32	(6) The voter is prevented from voting due to the voter's care of
33	an individual confined to a private residence because of illness or
34	injury.
35	(7) The voter is scheduled to work at the person's regular place of
36	employment during the entire twelve (12) hours that the polls are
37	open.
38	(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
39	(9) The voter is an address confidentiality program
40	participant (as defined in IC 5-26.5-1-6).
41	(b) A voter with disabilities who:
12	(1) is unable to make a voting mark on the ballot or sign the



1	ahaantaa hallat aaaraay anyalanay and	
1 2	absentee ballot secrecy envelope; and (2) requests that the absentee ballot be delivered to an address	
3	within Indiana;	
4	must vote before an absentee voter board under section 25(b) of this	
5	chapter.	
6	(c) If a voter receives an absentee ballot by mail, the voter shall	
7	personally mark the ballot in secret and seal the marked ballot	
8	inside the envelope provided by the county election board for that	
9	purpose. The voter shall then deposit the sealed envelope in the	
10	United States mail for delivery to the county election board or may	4
11	authorize a member of the voter's household or the individual	
12	designated as the voter's attorney in fact to deposit the envelope in	1
13	the United States mail.	
14	(c) (d) After a voter has mailed an absentee ballot to the office of	
15	the circuit court clerk, the voter may not recast a ballot, except as	
16	provided in:	4
17	(1) section 1.5 of this chapter; or	
18	(2) section 33 of this chapter.	
19	SECTION 16. IC 3-11-10-25, AS AMENDED BY P.L.209-2003,	
20	SECTION 146, IS AMENDED TO READ AS FOLLOWS	
21	[EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A voter who votes by	
22	absentee ballot because of:	
23	(1) illness or injury; or	
24	(2) caring for a confined person at a private residence;	
25	and who is within the county on election day may vote before an	
26	absentee voter board or by mail.	
27	(b) If requested by a voter described in subsection (a) or by a voter	٦
28	with disabilities whose precinct is not accessible to voters with	,
29	disabilities, an absentee voter board shall visit the voter's place of	ı
30	confinement, the residence of the voter with disabilities, or the private	
31	residence:	
32	(1) during the regular office hours of the circuit court clerk;	
33	(2) at a time agreed to by the board and the voter;	
34	(3) on any of the twelve (12) days immediately before election	
35	day; and	
36	(4) only once before an election, unless:	
37	(A) the confined voter is unavailable at the time of the board's	
38	first visit due to a medical emergency; or	
39	(B) the board, in its discretion, decides to make an additional	
40	visit.	
41	(c) This subsection applies to a voter confined due to illness or	
42	injury. An absentee voter board may not be denied access to the voter's	



1	place of confinement if the board is present at the place of confinement
2	at a time:
3	(1) agreed to by the board and the voter; and
4	(2) during the regular office hours of the circuit court clerk. A
5	person who knowingly violates this subsection commits
6	obstruction or interference with an election officer in the
7	discharge of the officer's duty, a violation of IC 3-14-3-4.
8	(d) The county election board, by unanimous vote of the board's
9	entire membership, may authorize an absentee voter board to visit a
10	voter who is confined due to illness or injury and will be outside of the
11	county on election day in accordance with the procedures set forth in
12	subsection (b).
13	(e) This subsection applies after December 31, 2005. As provided
14	by 42 U.S.C. 15481, a voter casting an absentee ballot under this
15	section must be:
16	(1) permitted to verify in a private and independent manner the
17	votes selected by the voter before the ballot is cast and counted;
18	(2) provided with the opportunity to change the ballot or correct
19	any error in a private and independent manner before the ballot is
20	cast and counted, including the opportunity to receive a
21	replacement ballot if the voter is otherwise unable to change or
22	correct the ballot; and
23	(3) notified before the ballot is cast regarding the effect of casting
24	multiple votes for the office and provided an opportunity to
25	correct the ballot before the ballot is cast and counted.
26	(f) This subsection applies after December 31, 2005. As provided
27	by 42 U.S.C. 15481, when an absentee ballot is provided under this
28	section, the board must also provide the voter with:
29	(1) information concerning the effect of casting multiple votes for
30	an office; and
31	(2) instructions on how to correct the ballot before the ballot is
32	cast and counted, including the issuance of replacement ballots.
33	(g) This subsection applies to a voter who applies to vote an
34	absentee ballot by mail. The county election board shall include a
35	copy of the Absentee Voter's Bill of Rights with any absentee ballot
36	mailed to the voter. The Absentee Voter's Bill of Rights must be in
37	a form prescribed by the commission and include the following:
38	(1) A statement summarizing the rights and responsibilities of
39	the voter when casting and returning the absentee ballot.
40	(2) A summary of Indiana and federal laws concerning
41	providing assistance to the voter, completion of the ballot in

secret, the intimidation of voters, and the return of the



1 2	absentee ballot to the county election board.
3	(3) Information concerning how to report violations of the absentee ballot and election laws.
3 4	SECTION 17. IC 3-11-11-2 IS AMENDED TO READ AS
5	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) On the
6	morning of election day, the precinct election officers shall meet at the
7	polls at least one (1) hour before the time for opening the polls. The
8	inspector then shall have:
9	(1) the boundaries of the chute erected designated;
10	(2) the sample ballots and instruction cards posted; and
11	(3) everything put in readiness for the commencement of voting
12	at the opening of the polls.
13	(b) At the opening of the polls, the inspector and judges shall see
14	that there are no ballots in the ballot box before the voting begins. After
15	the inspection of the box, the inspector shall:
16	(1) securely lock the box;
17	(2) give one (1) key to the judge of the opposite political party;
18	and
19	(3) retain one (1) key.
20	(c) Once securely locked, the ballot box may not be opened again
21	until after the polls have been closed and the precinct election board is
22	ready to immediately proceed with the counting, except as otherwise
23	provided for central counting.
24	(d) The voting booths or compartments must be of a size and design
25	to permit a voter to mark ballots in secret.
26	SECTION 18. IC 3-11-12-24 IS AMENDED TO READ AS
27	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. On the morning
28	of election day, each precinct election board, the poll clerks, and the
29	election sheriffs shall meet at the polls at least one (1) hour before the
30	time for opening the polls. The inspector then shall have:
31	(1) the boundaries of the chute erected designated;
32	(2) the sample ballots and instruction cards posted; and
33	(3) everything put in readiness for the commencement of voting
34	at the opening of the polls.
35	SECTION 19. IC 3-11-13-27 IS AMENDED TO READ AS
36	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) After the
37	delivery of a ballot card voting system to a precinct, the precinct
38	election board may meet at the polls on the same day and open the
39	package containing the sample ballot cards, to determine whether the
40	system is ready for use in accordance with section 16 of this chapter.
41	If a ballot card voting system is not in compliance with that section, the

board shall immediately label, set and adjust, and place the system in



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1	order or have it done.
2	(b) While acting under subsection (a), the precinct election board
3	may restrict access to parts of the room where marking devices and
4	other election material are being handled to safeguard this material.
5	(c) On the morning of election day, the precinct election officers
6	shall meet at the polls at least one (1) hour before the time for opening
7	the polls. The inspector then shall have:
8	(1) the boundaries of the chute erected designated;
9	(2) the sample ballots and instruction cards posted; and
10	(3) everything put in readiness for the commencement of voting
11	at the opening of the polls.
12	(d) Before the opening of the polls, the precinct election officers
13	shall compare the ballot cards used in the marking device with the
14	sample ballots furnished and determine whether the names, numbers,
15	and letters are in agreement. The officers then shall certify that the
16	marking device and the sample ballots are in agreement. Forms shall
17	be provided for certification, and the certification shall be filed with the
18	election returns.
19	SECTION 20. IC 3-11-14-16 IS AMENDED TO READ AS
20	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. On the morning
21	of election day, the precinct election officers shall meet at the polls at
22	least one (1) hour before the time for opening the polls. The inspector
23	then shall have:
24	(1) the boundaries of the chute erected designated ;
25	(2) the sample ballots and instruction cards posted; and
26	(3) everything put in readiness for the commencement of voting
27	at the opening of the polls.
28	SECTION 21. IC 3-12-6-1.5, AS AMENDED BY P.L.40-2001,
29	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30	UPON PASSAGE]: Sec. 1.5. A candidate for election to precinct
31	committeeman or state convention delegate is not entitled to have the
32	votes cast for that office recounted under this chapter. The political
33	party of the candidate, in accordance with any applicable party rules,
34	determines the winner of an election to a political party office.
35	SECTION 22. IC 3-14-2-1 IS AMENDED TO READ AS
36	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person who
37	recklessly writes the name of a voter on an affidavit of registration
38	without being personally acquainted with the voter and knowing the
39	voter to be the person who the voter represents the voter to be commits

a Class A misdemeanor. knowingly does any of the following

(1) Conspires with an individual for the purpose of



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commits a Class D felony:

1	encouraging the individual to submit a false application for	
2	registration.	
3	(2) Conspires with an individual for the purpose of	
4	encouraging the individual to vote illegally.	
5	(3) Pays or offers to pay an individual for doing any of the	
6	following:	
7	(A) Applying for an absentee ballot.	
8	(B) Casting an absentee ballot.	
9	(C) Registering to vote.	
10	(D) Voting.	
11	(4) Accepts the payment of any property for doing any of the	
12	following:	
13	(A) Applying for an absentee ballot.	
14	(B) Casting an absentee ballot.	
15	(C) Registering to vote.	_
16	(D) Voting.	
17	SECTION 23. IC 3-14-2-2.5 IS ADDED TO THE INDIANA CODE	U
18	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE	
19	UPON PASSAGE]: Sec. 2.5. A person who does either of the	
20	following, knowing that an individual is ineligible to register to	
21	vote or to vote, commits absentee ballot fraud, a Class D felony:	
22	(1) Solicits the individual to complete an absentee ballot	
23	application.	
24	(2) Solicits the individual to submit an absentee ballot	_
25	application to a county election board.	
26	SECTION 24. IC 3-14-2-3 IS AMENDED TO READ AS	
27	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person who:	
28	(1) subscribes the name of another person to an affidavit of	v
29	registration or application for an absentee ballot knowing that	
30	the application contains a false statement; or	
31	(2) subscribes the name of another person to an affidavit of	
32	registration or application for an absentee ballot without	
33	writing on it the person's own name and address as an attesting	
34	witness;	
35	commits a Class A misdemeanor. Class D felony.	
36	SECTION 25. IC 3-14-2-5 IS AMENDED TO READ AS	
37	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person	
38	who recklessly destroys or fails to deliver an absentee ballot	
39	application to the proper officer after the application has been	
40 4.1	executed in accordance with IC 3-11-4 commits a Class A	
41 42	misdemeanor.	
12	(b) A person who recklessly destroys or fails to file or deliver to the	



1	proper officer a registration affidavit or form of registration after it the	
2	affidavit or form has been executed commits a Class A misdemeanor.	
3	SECTION 26. IC 3-14-2-13 IS AMENDED TO READ AS	
4	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. A person who	
5	knowingly hires or solicits another person	
6	(1) to come into Indiana; or	
7	(2) to go from one precinct into another a precinct	
8	for the purpose of voting at an election at the precinct when the person	
9	hired or solicited is not a voter in Indiana or the precinct commits a	
10	Class D felony.	
11	SECTION 27. IC 3-14-2-15 IS AMENDED TO READ AS	
12	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. A member of	
13	the commission, an employee or agent of the commission, election	
14	division, or a member, an employee, or an agent of a county election	
15	board who knowingly delivers a ballot to a person except in the manner	
16	prescribed by this title commits a Class D felony.	
17	SECTION 28. IC 3-14-2-16, AS AMENDED BY P.L.38-1999,	
18	SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
19	UPON PASSAGE]: Sec. 16. A person who knowingly does any of the	
20	following commits a Class D felony:	
21	(1) Applies for or receives a ballot in a precinct other than that	
22	precinct in which the person is entitled to vote.	
23	(2) Except when receiving assistance under IC 3-11-9, shows a	
24	ballot after it is marked to another person in such a way as to	
25	reveal the contents of it or the name of a candidate for whom the	
26	person has voted.	
27	(3) Except when offering assistance requested by a voter in	
28	accordance with IC 3-11-9, examines a ballot that a voter has	
29	prepared for voting or solicits the voter to show the ballot.	
30	(4) Receives from a voter a ballot prepared by the voter for	
31	voting, except:	
32	(A) the inspector;	
33	(B) a member of the precinct election board temporarily acting	
34	for the inspector;	
35	(C) a member of a county election board or an absentee voter	
36	board acting under IC 3-11-10; or	
37	(D) a member of the voter's household or an individual	
38	designated as attorney in fact for the voter, or an employee of	
39	the United States Postal Service, when delivering an	
40	envelope containing an absentee ballot under IC 3-11-10-1.	
41	(5) Receives a ballot from a person other than one of the poll	



clerks or authorized assistant poll clerks.

1	(6) Delivers a ballot to a voter to be voted, unless the person is:	
2	(A) a poll clerk or authorized assistant poll clerk; or	
3	(B) a member of a county election board or an absentee voter	
4	board acting under IC 3-11-10.	
5	(7) Delivers a ballot (other than an absentee ballot) to an inspector	
6	that is not the ballot the voter receives from the poll clerk or	
7	assistant poll clerk.	
8	(8) Delivers an absentee ballot to a team of absentee ballot	
9	counters appointed under IC 3-11.5-4-22, a county election board,	
10	a circuit court clerk, or an absentee voting board under IC 3-11-10	
11	that is not the ballot cast by the absentee voter.	
12	(9) Delivers an absentee ballot prepared by the voter for	
13	voting to a county election board, except for:	
14	(A) the inspector;	
15	(B) a member of the precinct election board temporarily	_
16	acting for the inspector;	
17	(C) a member of a county election board or an absentee	
18	voter board acting under IC 3-11-10; or	
19	(D) a member of the voter's household or an individual	
20	designated as attorney in fact for the voter, or an employee	
21	of the United States Postal Service, when mailing an	
22	envelope containing an absentee ballot under IC 3-11-10-1.	
23	(10) Possesses an unmarked absentee ballot, unless the person	
24	is authorized to possess the absentee ballot under this title as	_
25	any of the following:	
26	(A) A printer.	
27	(B) A county election board member.	
28	(C) An absentee voter board member.	Y
29	(D) An employee of the United States Postal Service when	
30	delivering an envelope containing an absentee ballot.	
31	(E) An individual authorized to deliver an absentee ballot	
32	in a sealed envelope under IC 3-11-10-24.	
33	(F) An absentee ballot counter under IC 3-11.5.	
34	(G) A provisional ballot counter.	
35	(H) A precinct election officer.	
36	(I) The voter who applied for the absentee ballot.	
37	(11) Completes or signs an absentee ballot application for a	
38	voter, or assists a voter in completing an absentee ballot	
39 40	application in violation of IC 3-11.	
40 4.1	(12) Except as authorized in this title:	
41 42	(A) delivers an absentee ballot security envelope to a voter; (B) requests or directs the voter to sign the absentee ballot	
12	(B) requests or directs the voter to sign the absentee hallot	



1	security envelope; and	
2	(C) receives from a voter the signed absentee ballot	
3	security envelope.	
4	SECTION 29. IC 3-14-2-18 IS AMENDED TO READ AS	
5	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. A voter who	
6	knowingly:	
7	(1) does anything to enable any other person to see or know for	
8	what ticket, candidates, or public questions the voter has voted on	
9	a voting machine; system; or	
10	(2) moves into a position, or does any other thing, to enable the	
11	voter to see or know for what ticket, candidates, or public	
12	questions any other voter votes on a voting machine; system;	
13	commits a Class D felony.	
14	SECTION 30. IC 3-14-2-24 IS AMENDED TO READ AS	
15	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. A person who:	
6	(1) takes a ballot legally deposited out of a ballot box or out of a	
17	voting system for the purpose of destroying it the ballot or	
8	substituting another ballot in its place;	
9	(2) destroys or misplaces a ballot with the intent to substitute	
20	another ballot for it or with the intent to prevent it from being	
21	counted; or	
22	(3) knowingly enters upon the poll books the name of a person	
23	who has not legally voted or knowingly tallies a vote for a	
24	candidate or on a public question not voted for by the ballot;	
25	commits a Class D felony.	
26	SECTION 31. IC 3-14-2-26 IS AMENDED TO READ AS	
27	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. A person who:	
28	(1) during the progress of an election or within the time for	Y
29	preparation required under this title, knowingly breaks open or	
30	violates the seal or lock of a ballot box, envelope, container, or	
31	bag, or voting system component in which ballots have been	
32	deposited;	
33	(2) knowingly obtains a ballot box, envelope, container, or bag, or	
34	voting system component that contains ballots and cancels,	
35	withholds, or destroys a ballot;	
36	(3) knowingly increases or decreases the number of ballots legally	
37	deposited in a ballot box, envelope, container, or bag, or voting	
38	system component; or	
39	(4) knowingly makes a fraudulent erasure or alteration on a tally	
40	sheet, poll book, list of voters, or election return deposited in a	
41	ballot box, envelope, or bag, or voting system component;	
12	commits a Class D felony	



1	SECTION 32. IC 3-14-2-29 IS AMENDED TO READ AS	
2	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A person who	
3	knowingly inspects a voting machine or electronic voting system under	
4	IC 3-12-4-18 without obtaining authorization from the state recount	
5	commission to conduct the inspection commits a Class D felony.	
6	SECTION 33. IC 3-14-3-1.5 IS ADDED TO THE INDIANA CODE	
7	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE	
8	UPON PASSAGE]: Sec. 1.5. A person who knowingly does any of	
9	the following commits a Class D felony:	
10	(1) Procures or submits voter registration applications known	
11	by the person to be materially false, fictitious, or fraudulent.	
12	(2) Procures, casts, or tabulates ballots known by the person	
13	to be materially false, fictitious, or fraudulent.	
14	SECTION 34. IC 3-14-3-7 IS AMENDED TO READ AS	
15	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. An inspector or	
16	poll clerk in a precinct who, for the purpose of:	
17	(1) deceiving a voter;	
18	(2) causing it to be doubtful for what ticket, candidate, or public	
19	question a vote is cast; or	
20	(3) causing it to appear that votes cast for one ticket, candidate, or	
21	public question were cast for another ticket, candidate, or public	
22	question;	
23	removes, changes, or mutilates a ballot label on a voting machine	
24	system or any part thereof of a voting system commits a Class D	_
25	felony.	
26	SECTION 35. IC 3-14-3-16, AS AMENDED BY P.L.66-2003,	
27	SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
28	UPON PASSAGE]: Sec. 16. (a) As used in this section,	N Y
29	"electioneering" includes expressing support or opposition to any	
30	candidate or political party or expressing approval or disapproval of	
31	any public question in any manner that could reasonably be expected	
32	to convey that support or opposition to another individual.	
33	(b) A person who knowingly does any electioneering:	
34	(1) on election day: within:	
35	(A) within the polls; or	
36	(B) within fifty (50) feet of in any direction from the	
37	entrance to the polls; or	
38	(C) within the chute; or	
39	(D) inside the boundaries of the chute designated under	
40	IC 3-11.	
41	(2) within an area in the office of the circuit court clerk used by	
42	an absentee voter board to permit an individual to cast an	



1	absentee ballot; or
2	(3) in the presence of a voter whom the person knows
3	possesses an absentee ballot provided to the voter in
4	accordance with Indiana law;
5	commits a Class A misdemeanor.
6	SECTION 36. IC 3-14-3-18, AS AMENDED BY P.L.176-1999,
7	SECTION 118, IS AMENDED TO READ AS FOLLOWS
8	[EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section,
9	"candidate" includes an individual whom the person knows is
10	considering becoming a candidate.
11	(b) A person who, for the purpose of influencing a voter or
12	candidate, does any of the following commits a Class D felony:
13	(1) Seeks to enforce the payment of a debt by force or threat of
14	force.
15	(2) Ejects or threatens to eject the voter or candidate from a house
16	the voter or candidate occupies.
17	(3) Begins a criminal prosecution. or
18	(4) Damages the business or trade of the voter or candidate.
19	commits a Class D felony.
20	(5) Communicates a threat to commit a forcible felony (as
21	defined in IC 35-41-1-11) against a voter or a candidate with
22	the intent that the voter or candidate:
23	(A) engage in conduct against the voter's or candidate's
24	will; or
25	(B) be placed in fear of retaliation for a prior lawful act as
26	a voter or a candidate.
27	SECTION 37. IC 3-14-3-19 IS AMENDED TO READ AS
28	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. A person who,
29	for the purpose of inducing or procuring another person to:
30	(1) cast an absentee ballot; or
31	(2) vote or refrain from voting for or against a candidate or for or
32	against a public question at an election or political convention;
33	gives, offers, or promises to any person any money or other property
34	commits a Class D felony.
35	SECTION 38. IC 3-14-3-20 IS AMENDED TO READ AS
36	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. A person who,
37	for the purpose of inducing or procuring a voter to:
38	(1) cast an absentee ballot; or
39	(2) vote or refrain from voting for or against a candidate or for or
40	against a public question at an election or political convention;
41	receives, accepts, requests, or solicits from any person any money or
42	other property commits a Class D felony.



1	SECTION 39. IC 3-14-3-21.5 IS ADDED TO THE INDIANA
2	CODE AS A NEW SECTION TO READ AS FOLLOWS
3	[EFFECTIVE UPON PASSAGE]: Sec. 21.5. A person who knowingly
4	or intentionally intimidates, threatens, or coerces an individual for:
5	(1) voting or attempting to vote; or
6	(2) exercising any power or duty under this title concerning
7	registration or voting;
8	commits voter intimidation, a Class D felony.
9	SECTION 40. IC 3-14-5-1 IS AMENDED TO READ AS
10	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section
11	applies during an election whenever a voter makes an affidavit before
12	the inspector in a precinct that a person who has voted is an illegal
13	voter in the precinct.
14	(b) Immediately after the close of the polls the inspector shall
15	deliver the affidavit to the county election board for delivery by the
16	prosecuting attorney for the county who to the grand jury under
17	section 2 of this chapter. The prosecuting attorney for the county
18	shall:
19	(1) proceed as if the affidavit had been made before the
20	prosecuting attorney; and
21	(2) notify ensure that the grand jury notifies the NVRA official
22	under section 2 of this chapter if a violation of NVRA appears
23	to have occurred.
24	SECTION 41. IC 3-14-5-2 IS AMENDED TO READ AS
25	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each precinct
26	election board shall, at the close of the polls, place all affidavits
27	prescribed by this title for use on election day to determine the
28	eligibility of a precinct election officer (or a person who wishes to cast
29	a ballot) in a strong paper bag or envelope and securely seal it. Each
30	member shall endorse that member's name on the back of the bag or
31	envelope.
32	(b) The inspector and judge of the opposite political party shall
33	deliver the sealed bag or envelope to the county election board. whose
34	duty it is to The county election board shall do the following:
35	(1) Remove the affidavits from the bag or envelope.
36	(2) Mail a copy of each affidavit to the secretary of state.
37	(3) Replace the affidavits within the bag or envelope.
38	(4) Reseal the bag or envelope with the endorsement of the
39	name of each county election board member on the back of
40	the bag or envelope.
41	(5) Carefully preserve it the resealed bag or envelope and
42	deliver it, with the county election board's seal unbroken, to the



1	foreman of the grand jury when next in session.
2	(c) The grand jury shall inquire into the truth or falsity of the
3	affidavits, and the court having jurisdiction over the grand jury shall
4	specially charge the jury as to its duties under this section.
5	(d) The grand jury shall file a report of the result of its inquiry with:
6	(1) the court; and
7	(2) the NVRA official if a violation of NVRA appears to have
8	occurred.
9	SECTION 42. IC 33-16-4-1, AS AMENDED BY P.L.176-1999,
10	SECTION 130, IS AMENDED TO READ AS FOLLOWS
11	[EFFECTIVE UPON PASSAGE]: Sec. 1. The following are authorized
12	to subscribe and administer oaths and take acknowledgments of all
13	documents whatsoever, pertaining to all matters where an oath is
14	required:
15	(1) Notaries public.
16	(2) Justices and judges of courts, in their respective jurisdictions.
17	(3) The secretary of state of Indiana.
18	(4) The clerk of the supreme court.
19	(5) Mayors, clerks, clerk-treasurers of towns and cities, and
20	township trustees, in their respective towns, cities, and townships.
21	(6) Clerks of circuit courts and master commissioners, in their
22	respective counties.
23	(7) Judges of United States district courts of Indiana, in their
24	respective jurisdictions.
25	(8) United States commissioners appointed for any United States
26	district court of Indiana, in their respective jurisdictions.
27	(9) The following, for any purpose authorized under IC 3:
28	(A) A precinct election officer (as defined in IC 3-5-2-40.1).
29	and
30	(B) An absentee voter board member appointed under
31	IC 3-11-10, for any purpose authorized under IC 3.
32	(C) The director, the assistant director, or an employee of
33	the board of elections and registration established by
34	IC 3-6-5.2-3.
35	(10) A member of the Indiana election commission, a co-director
36	of the election division, or an employee of the election division
37	under IC 3-6-4.2.
38	(11) County auditors, in their respective counties.
39	(12) Any member of the general assembly anywhere in Indiana.
40	SECTION 43. IC 35-44-1-1 IS AMENDED TO READ AS
41	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person
42	who:



1	(1) confers, offers, or agrees to confer on a public servant, either
2	before or after the public servant becomes appointed, elected, or
3	qualified, any property except property the public servant is
4	authorized by law to accept, with intent to control the
5	performance of an act related to the employment or function of
6	the public servant;
7	(2) being a public servant, solicits, accepts, or agrees to accept,
8	either before or after he the person becomes appointed, elected,
9	or qualified, any property, except property he the person is
10	authorized by law to accept, with intent to control the
11	performance of an act related to his the person's employment or
12	function as a public servant;
13	(3) confers, offers, or agrees to confer on a person any property,
14	except property the person is authorized by law to accept, with
15	intent to cause that person to control the performance of an act
16	related to the employment or function of a public servant;
17	(4) solicits, accepts, or agrees to accept any property, except
18	property he the person is authorized by law to accept, with intent
19	to control the performance of an act related to the employment or
20	function of a public servant;
21	(5) confers, offers, or agrees to confer any property on a person
22	participating or officiating in, or connected with, an athletic
23	contest, sporting event, or exhibition, with intent that the person
24	will fail to use his the person's best efforts in connection with
25	that contest, event, or exhibition;
26	(6) being a person participating or officiating in, or connected
27	with, an athletic contest, sporting event, or exhibition, solicits,
28	accepts, or agrees to accept any property with intent that he the
29	person will fail to use his the person's best efforts in connection
30	with that contest, event, or exhibition;
31	(7) being a witness or informant in an official proceeding or
32	investigation, solicits, accepts, or agrees to accept any property,
33	with intent to:
34	(i) (A) withhold any testimony, information, document, or
35	thing;
36	(ii) (B) avoid legal process summoning him the person to
37	testify or supply evidence; or
38	(iii) (C) absent himself the person from the proceeding or
39	investigation to which he the person has been legally
40	summoned; or
41	(8) confers, offers, or agrees to confer any property on a witness
42	or informant in an official proceeding or investigation, with intent



1	that the witness or informant:
2	(i) (A) withhold any testimony, information, document, or
3	thing;
4	(ii) (B) avoid legal process summoning the witness or
5	informant to testify or supply evidence; or
6	(iii) (C) absent himself the person from any proceeding or
7	investigation to which the witness or informant has been
8	legally summoned; or
9	(9) confers, offers or agrees to confer any property on an
10	individual for:
11	(A) casting a ballot or refraining from casting a ballot; or
12	(B) voting for a political party, for a candidate, or for or
13	against a public question;
14	in an election described in IC 3-5-1-2, or at a convention of a
15	political party authorized under IC 3;
16	commits bribery, a Class C felony.
17	(b) It is no defense that the person whom the accused person sought
18	to control was not qualified to act in the desired way.
19	SECTION 44. [EFFECTIVE UPON PASSAGE] (a) The definitions
20	in IC 3-5-2 apply throughout this SECTION.
21	(b) Not later than March 31, 2004, the commission shall act
22	under IC 3-5-4-8 to prescribe absentee ballot application forms
23	that comply with IC 3-11, as amended by this act.
24	(c) This subsection does not apply to an absentee ballot
25	application form prescribed by the commission for use by an
26	absent uniformed services voter or overseas voter. An absentee
27	ballot application form prescribed by the commission before April
28	1, 2004, may not be used or accepted by a county election board
29	after March 31, 2004.
30	(d) This SECTION expires January 1, 2005.
31	SECTION 45. [EFFECTIVE UPON PASSAGE] (a) The definitions
32	in IC 3-5-2 and IC 3-11-8-1.2 apply throughout this SECTION.
33	(b) Notwithstanding IC 3-11-8-15, an individual who is issued
34	credentials by a county election board is permitted in the polls of
35	that county during an election to conduct a survey to determine
36	whether the polling place is an accessible facility.
37	(c) Upon a precinct election officer's request, an individual
38	described in subsection (b) shall present to the officer the
39	individual's credentials issued by the county election board.
40	(d) This SECTION expires December 1, 2004.
41	SECTION 46. [EFFECTIVE UPON PASSAGE] (a) The legislative
42	council shall:



1	(1) direct an interim or statutory committee determined by	
2	the legislative council to study the existing criminal penalties	
3	for election law violations under IC 3; and	
4	(2) direct the committee to report its findings to the legislative	
5	council in an electronic format under IC 5-14-6 not later than	
6	November 1, 2004.	
7	(b) This SECTION expires January 1, 2005.	
8	SECTION 47. [EFFECTIVE JANUARY 1, 2004	
9	(RETROACTIVE)] (a) This SECTION applies to an individual:	
0	(1) who was elected during November 2003 to an office of a	
1	political subdivision; and	
2	(2) to whom IC 5-4-1-1.2 applies.	
3	(b) Notwithstanding the time limits under IC 5-4-1-1.2(c), an	
4	individual's deposit before March 1, 2004, of the oath required by	
5	IC 5-4-1-1 with the office listed in IC 5-4-1-4 is legalized, and	
6	IC 5-4-1-1.2(d) does not apply.	
7	(c) This SECTION expires July 1, 2004.	
8	SECTION 48. An emergency is declared for this act.	
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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1151, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 9 and 10, begin a new paragraph and insert: "SECTION 2. IC 3-11-4-2, AS AMENDED BY P.L.126-2002, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

- (b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.
- (c) A person who assists an individual in completing an absentee ballot application shall state the following information on the application:
 - (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual submitting the application.
 - (2) The date and location at which this assistance was provided.
 - (3) That the individual has no knowledge or reason to believe that the individual submitting the application:
 - (A) is ineligible to vote or ineligible to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (d) A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:
 - (1) noon seven (7) days after the individual receives the application; or
 - (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(e) An individual filing an absentee ballot application received









from another individual must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual submitting the application.
- (2) A statement that the individual filing the affidavit has complied with the Indiana laws governing the submission of absentee ballot applications.
- (3) A statement that the individual has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (4) A statement that the individual is executing the affidavit under the penalties of perjury.
- (5) A statement setting forth the penalties for perjury.
- (f) The county election board shall record the date and time of the filing of the affidavit and provide the individual with a file stamped copy of the affidavit without collecting any copying fee.

SECTION 3. IC 3-11-4-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) The commission shall prescribe the form of an application for an absentee ballot.

- (b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter which contains a standardized oath for those voters. The form of the application for an absentee ballot must:
 - (1) require the applicant to swear to or affirm under the penalties of perjury that all the information set forth on the application is true to the best of the applicant's knowledge and belief;
 - (2) require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(c) of this chapter; and
 - (3) set forth the penalties for perjury.
- (c) The form prescribed by the commission shall require that a voter who:
 - (1) requests an absentee ballot; and
 - (2) is eligible to vote in the precinct under IC 3-10-11 or









IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

SECTION 4. IC 3-11-4-17.5, AS AMENDED BY P.L.209-2003, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office:
- (2) the information set forth on the application appears to be true; and
- (3) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the issue shall be referred to the county election board for determination. The members of the absentee voter board or the county election board may compare the voter's signature on the application with the voter's signature on the voter's registration record to make a determination under this subsection.

- **(b)** If:
 - (1) the applicant is not a voter of the precinct according to the registration record; or if
 - (2) the application as completed and filed:
 - (A) contains a false statement; or
 - (B) does not otherwise comply with this chapter), Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

- (b) (c) This subsection applies after December 31, 2003, to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:
 - (1) not later than forty-eight (48) hours after the application is denied; and

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- (2) to the voter at the address at which the voter requested that the absentee ballot be mailed.
- (c) This subsection applies after December 31, 2003.
- (d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:
 - (1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and
 - (2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

- (d) (e) If the applicant:
 - (1) is a voter of the precinct according to the registration record;
 - (2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and
 - (3) after December 31, 2005, provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter."

Page 3, between lines 31 and 32, begin a new paragraph and insert: "SECTION 6. IC 3-11-4-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) Upon receipt of an absentee ballot application, a member of the county election board or a member of an absentee voter board may file an affidavit with the county election board alleging that the application:

- (1) is not submitted by a voter of the precinct;
- (2) contains a false statement; or
- (3) has not been executed or filed in accordance with Indiana or federal law.
- (b) The affidavit must be in a form prescribed by the







commission and state the following:

- (1) The name and title of the individual filing the affidavit.
- (2) A brief statement of the facts known or believed by the individual regarding why:
 - (A) the applicant is not a voter of the precinct;
 - (B) the application contains a false statement; or
 - (C) the application has not been executed or filed in accordance with Indiana or federal law.
- (3) That the individual is executing the affidavit under the penalties of perjury.
- (4) The penalties for perjury.
- (c) Upon the filing of the affidavit, the approval or denial of the application shall be referred to the county election board, which shall promptly conduct a hearing on the matter.
- (d) The county election board may act under IC 3-6-5-31 to refer the matter to the appropriate prosecuting attorney.

SECTION 7. IC 3-11-4-21, AS AMENDED BY P.L.209-2003, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) On the other side of the envelope required by section 20 of this chapter shall be printed an affidavit in conformity with 42 U.S.C. 1973ff-1(b), providing that the voter affirms under penalty of perjury that the following information is true:

- (1) The name of the precinct and township (or ward and city or town).
- (2) That the voter is:
 - (A) a resident of; or
- (B) entitled under IC 3-10-11 or IC 3-10-12 to vote in; the precinct.
- (3) The voter's complete residence address, including the name of the city or town and county.
- (4) That the voter is entitled to vote in the precinct, the type of election to be held, and the date of the election.
- (5) That:
 - (A) the voter has personally marked the enclosed ballot or ballots in secret and has enclosed them in this envelope and sealed them without exhibiting them to any other person;
 - (B) the voter personally marked the enclosed ballot or ballots, enclosed them in this envelope, and sealed them with the assistance of an individual whose name is listed on the envelope and who affirms under penalty of perjury that the voter was not coerced or improperly influenced by the

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individual assisting the voter or any other person, in a manner prohibited by state or federal law, to cast the ballot for or against any candidate, political party, or public question; or (C) as the properly authorized attorney in fact for the undersigned under IC 30-5-5-14, the attorney in fact affirms the voter personally marked the enclosed ballot or ballots in secret and enclosed them in this envelope and sealed them without exhibiting them to the attorney in fact or to any other person.

- (6) The date and the voter's signature.
- (b) If the affidavit is signed by an attorney in fact, the name of the attorney in fact must be indicated.
- (c) A guardian or conservator of an individual may not sign an affidavit for the individual under this section unless the guardian or conservator also holds a power of attorney authorizing the guardian or conservator to sign the affidavit.
- (d) The side of the envelope containing this affidavit must also set forth the penalties for perjury.".

Page 4, between lines 20 an 21, begin a new paragraph and insert:

"(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall then deposit the sealed envelope in the United States mail for delivery to the county election board or may authorize a member of the voter's household or the individual designated as the voter's attorney in fact to deposit the envelope in the United States mail."

Page 4, line 21, strike "(c)" and insert "(d)".

Page 4, after line 25 begin a new paragraph and insert:

"SECTION 9. IC 3-11-10-25, AS AMENDED BY P.L.209-2003, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A voter who votes by absentee ballot because of:

- (1) illness or injury; or
- (2) caring for a confined person at a private residence; and who is within the county on election day may vote before an absentee voter board or by mail.
- (b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

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- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the twelve (12) days immediately before election day; and
- (4) only once before an election, unless:
 - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
 - (B) the board, in its discretion, decides to make an additional visit.
- (c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:
 - (1) agreed to by the board and the voter; and
 - (2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.
- (d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside of the county on election day in accordance with the procedures set forth in subsection (b).
- (e) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:
 - (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
 - (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
 - (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.
- (f) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:
 - (1) information concerning the effect of casting multiple votes for an office; and
 - (2) instructions on how to correct the ballot before the ballot is



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cast and counted, including the issuance of replacement ballots.

- (g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter. The Absentee Voter's Bill of Rights must be in a form prescribed by the commission and include the following:
 - (1) A statement summarizing the rights and responsibilities of the voter when casting and returning the absentee ballot.
 - (2) A summary of Indiana and federal laws concerning providing assistance to the voter, completion of the ballot in secret, the intimidation of voters, and the return of the absentee ballot to the county election board.
 - (3) Information concerning how to report violations of the absentee ballot and election laws.

SECTION 10. IC 3-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person who recklessly writes the name of a voter on an affidavit of registration without being personally acquainted with the voter and knowing the voter to be the person who the voter represents the voter to be commits a Class A misdemeanor. knowingly does any of the following commits a Class D felony:

- (1) Conspires with an individual for the purpose of encouraging the individual to submit a false application for registration.
- (2) Conspires with an individual for the purpose of encouraging the individual to vote illegally.
- (3) Pays or offers to pay an individual for doing any of the following:
 - (A) Applying for an absentee ballot.
 - (B) Casting an absentee ballot.
 - (C) Registering to vote.
 - (D) Voting.
- (4) Accepts the payment of any property for doing any of the following:
 - (A) Applying for an absentee ballot.
 - (B) Casting an absentee ballot.
 - (C) Registering to vote.
 - (D) Voting.

SECTION 11. IC 3-14-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. A person who does either of the following, knowing that an individual is ineligible to register to

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vote or to vote, commits absentee ballot fraud, a Class D felony:

- (1) Solicits the individual to complete an absentee ballot application.
- (2) Solicits the individual to submit an absentee ballot application to a county election board.

SECTION 12. IC 3-14-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person who:

- (1) subscribes the name of another person to an affidavit of registration or application for an absentee ballot knowing that the application contains a false statement; or
- (2) subscribes the name of another person to an affidavit of registration or application for an absentee ballot without writing on it the person's own name and address as an attesting witness;

commits a Class A misdemeanor. Class D felony.

SECTION 13. IC 3-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person who recklessly destroys or fails to deliver an absentee ballot application to the proper officer after the application has been executed in accordance with IC 3-11-4 commits a Class A misdemeanor.

(b) A person who recklessly destroys or fails to file or deliver to the proper officer a registration affidavit or form of registration after it the affidavit or form has been executed commits a Class A misdemeanor.

SECTION 14. IC 3-14-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. A person who knowingly hires or solicits another person

- (1) to come into Indiana; or
- (2) to go from one precinct into another a precinct for the purpose of voting at an election at the precinct when the person hired or solicited is not a voter in Indiana or the precinct commits a Class D felony.

SECTION 15. IC 3-14-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. A member of the commission, an employee or agent of the commission, election division, or a member, an employee, or an agent of a county election board who knowingly delivers a ballot to a person except in the manner prescribed by this title commits a Class D felony.

SECTION 16. IC 3-14-2-16, AS AMENDED BY P.L.38-1999, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. A person who knowingly does any of the following commits a Class D felony:

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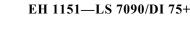
- (1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.
- (2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.
- (3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.
- (4) Receives from a voter a ballot prepared by the voter for voting, except:
 - (A) the inspector;
 - (B) a member of the precinct election board temporarily acting for the inspector;
 - (C) a member of a county election board or an absentee voter board acting under IC 3-11-10; or
 - (D) a member of the voter's household or an individual designated as attorney in fact for the voter, **or an employee of the United States Postal Service**, when delivering an envelope containing an absentee ballot under IC 3-11-10-1.
- (5) Receives a ballot from a person other than one of the poll clerks or authorized assistant poll clerks.
- (6) Delivers a ballot to a voter to be voted, unless the person is:
 - (A) a poll clerk or authorized assistant poll clerk; or
 - (B) a member of a county election board or an absentee voter board acting under IC 3-11-10.
- (7) Delivers a ballot (other than an absentee ballot) to an inspector that is not the ballot the voter receives from the poll clerk or assistant poll clerk.
- (8) Delivers an absentee ballot to a team of absentee ballot counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.
- (9) Delivers an absentee ballot prepared by the voter for voting to a county election board, except for:
 - (A) the inspector;
 - (B) a member of the precinct election board temporarily acting for the inspector;
 - (C) a member of a county election board or an absentee voter board acting under IC 3-11-10; or
 - (D) a member of the voter's household or an individual designated as attorney in fact for the voter, or an employee













of the United States Postal Service, when mailing an envelope containing an absentee ballot under IC 3-11-10-1.

- (10) Possesses an unmarked absentee ballot, unless the person is authorized to possess the absentee ballot under this title as any of the following:
 - (A) A printer.
 - (B) A county election board member.
 - (C) An absentee voter board member.
 - (D) An employee of the United States Postal Service when delivering an envelope containing an absentee ballot.
 - (E) An individual authorized to deliver an absentee ballot in a sealed envelope under IC 3-11-10-24.
 - (F) An absentee ballot counter under IC 3-11.5.
 - (G) A provisional ballot counter.
 - (H) A precinct election officer.
 - (I) The voter who applied for the absentee ballot.
- (11) Completes or signs an absentee ballot application for a voter, or assists a voter in completing an absentee ballot application in violation of IC 3-11.

SECTION 17. IC 3-14-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. A voter who knowingly:

- (1) does anything to enable any other person to see or know for what ticket, candidates, or public questions the voter has voted on a voting machine; system; or
- (2) moves into a position, or does any other thing, to enable the voter to see or know for what ticket, candidates, or public questions any other voter votes on a voting machine; system; commits a Class D felony.

SECTION 18. IC 3-14-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. A person who:

- (1) takes a ballot legally deposited out of a ballot box or out of a voting system for the purpose of destroying it the ballot or substituting another ballot in its place;
- (2) destroys or misplaces a ballot with the intent to substitute another ballot for it or with the intent to prevent it from being counted; or
- (3) knowingly enters upon the poll books the name of a person who has not legally voted or knowingly tallies a vote for a candidate or on a public question not voted for by the ballot;

commits a Class D felony.

SECTION 19. IC 3-14-2-26 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. A person who:

- (1) during the progress of an election or within the time for preparation required under this title, knowingly breaks open or violates the seal or lock of a ballot box, envelope, container, or bag, or voting system component in which ballots have been deposited;
- (2) knowingly obtains a ballot box, envelope, container, or bag, or voting system component that contains ballots and cancels, withholds, or destroys a ballot;
- (3) knowingly increases or decreases the number of ballots legally deposited in a ballot box, envelope, container, or bag, or voting system component; or
- (4) knowingly makes a fraudulent erasure or alteration on a tally sheet, poll book, list of voters, or election return deposited in a ballot box, envelope, or bag, or voting system component; commits a Class D felony.

SECTION 20. IC 3-14-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A person who knowingly inspects a voting machine or electronic voting system under IC 3-12-4-18 without obtaining authorization from the state recount commission to conduct the inspection commits a Class D felony.

SECTION 21. IC 3-14-3-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. A person who knowingly does any of the following commits a Class D felony:**

- (1) Procures or submits voter registration applications known by the person to be materially false, fictitious, or fraudulent.
- (2) Procures, casts, or tabulates ballots known by the person to be materially false, fictitious, or fraudulent.

SECTION 22. IC 3-14-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. An inspector or poll clerk in a precinct who, for the purpose of:

- (1) deceiving a voter;
- (2) causing it to be doubtful for what ticket, candidate, or public question a vote is cast; or
- (3) causing it to appear that votes cast for one ticket, candidate, or public question were cast for another ticket, candidate, or public question;

removes, changes, or mutilates a ballot label on a voting machine system or any part thereof of a voting system commits a Class D felony.

SECTION 23. IC 3-14-3-16, AS AMENDED BY P.L.66-2003,

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SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual.

- (b) A person who knowingly does any electioneering:
 - (1) on election day within:
 - (A) the polls; or
 - (B) fifty (50) feet of the entrance to the polls; or
 - (B) the chute;
 - (2) within an area in the office of the circuit court clerk used by an absentee voter board to permit an individual to cast an absentee ballot; **or**
 - (3) in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor.

SECTION 24. IC 3-14-3-18, AS AMENDED BY P.L.176-1999, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section, "candidate" includes an individual whom the person knows is considering becoming a candidate.

- (b) A person who, for the purpose of influencing a voter or candidate, does any of the following commits a Class D felony:
 - (1) Seeks to enforce the payment of a debt by force or threat of force.
 - (2) Ejects or threatens to eject the voter or candidate from a house the voter or candidate occupies.
 - (3) Begins a criminal prosecution. or
- (4) Damages the business or trade of the voter or candidate. commits a Class D felony.
 - (5) Communicates a threat to commit a forcible felony (as defined in IC 35-41-1-11) against a voter or a candidate with the intent that the voter or candidate:
 - (A) engage in conduct against the voter's or candidate's will; or
 - (B) be placed in fear of retaliation for a prior lawful act as a voter or a candidate.

SECTION 25. IC 3-14-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. A person who, for the purpose of inducing or procuring another person to:

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- (1) cast an absentee ballot; or
- (2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention; gives, offers, or promises to any person any money or other property commits a Class D felony.

SECTION 26. IC 3-14-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. A person who, for the purpose of inducing or procuring a voter to:

- (1) cast an absentee ballot; or
- (2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention; receives, accepts, requests, or solicits from any person any money or other property commits a Class D felony.

SECTION 27. IC 3-14-3-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.5. A person who knowingly or intentionally intimidates, threatens, or coerces an individual for:

- (1) voting or attempting to vote; or
- (2) exercising any power or duty under this title concerning registration or voting;

commits voter intimidation, a Class D felony.

SECTION 28. IC 3-14-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section applies during an election whenever a voter makes an affidavit before the inspector in a precinct that a person who has voted is an illegal voter in the precinct.

- (b) Immediately after the close of the polls the inspector shall deliver the affidavit to the county election board for delivery by the prosecuting attorney for the county who to the grand jury under section 2 of this chapter. The prosecuting attorney for the county shall:
 - (1) proceed as if the affidavit had been made before the prosecuting attorney; and
 - (2) notify ensure that the grand jury notifies the NVRA official under section 2 of this chapter if a violation of NVRA appears to have occurred.

SECTION 29. IC 3-14-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each precinct election board shall, at the close of the polls, place all affidavits prescribed by this title for use on election day to determine the eligibility of a precinct election officer (or a person who wishes to cast a ballot) in a strong paper bag or envelope and securely seal it. Each







member shall endorse that member's name on the back of the bag or envelope.

- (b) The inspector and judge of the opposite political party shall deliver the **sealed** bag or envelope to the county election board. whose duty it is to The county election board shall do the following:
 - (1) Remove the affidavits from the bag or envelope.
 - (2) Mail a copy of each affidavit to the secretary of state.
 - (3) Replace the affidavits within the bag or envelope.
 - (4) Reseal the bag or envelope with the endorsement of the name of each county election board member on the back of the bag or envelope.
 - (5) Carefully preserve it the resealed bag or envelope and deliver it, with the county election board's seal unbroken, to the foreman of the grand jury when next in session.
- (c) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.
 - (d) The grand jury shall file a report of the result of its inquiry with:
 - (1) the court; and
 - (2) the NVRA official if a violation of NVRA appears to have occurred.

SECTION 30. IC 35-44-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person who:

- (1) confers, offers, or agrees to confer on a public servant, either before or after the public servant becomes appointed, elected, or qualified, any property except property the public servant is authorized by law to accept, with intent to control the performance of an act related to the employment or function of the public servant;
- (2) being a public servant, solicits, accepts, or agrees to accept, either before or after he the person becomes appointed, elected, or qualified, any property, except property he the person is authorized by law to accept, with intent to control the performance of an act related to his the person's employment or function as a public servant;
- (3) confers, offers, or agrees to confer on a person any property, except property the person is authorized by law to accept, with intent to cause that person to control the performance of an act related to the employment or function of a public servant;
- (4) solicits, accepts, or agrees to accept any property, except property he the person is authorized by law to accept, with intent











to control the performance of an act related to the employment or function of a public servant;

- (5) confers, offers, or agrees to confer any property on a person participating or officiating in, or connected with, an athletic contest, sporting event, or exhibition, with intent that the person will fail to use his the person's best efforts in connection with that contest, event, or exhibition;
- (6) being a person participating or officiating in, or connected with, an athletic contest, sporting event, or exhibition, solicits, accepts, or agrees to accept any property with intent that he the person will fail to use his the person's best efforts in connection with that contest, event, or exhibition;
- (7) being a witness or informant in an official proceeding or investigation, solicits, accepts, or agrees to accept any property, with intent to:
 - (i) (A) withhold any testimony, information, document, or thing;
 - (ii) (B) avoid legal process summoning him the person to testify or supply evidence; or
 - (iii) (C) absent himself the person from the proceeding or investigation to which he the person has been legally summoned; or
- (8) confers, offers, or agrees to confer any property on a witness or informant in an official proceeding or investigation, with intent that the witness or informant:
 - (i) (A) withhold any testimony, information, document, or thing;
 - (ii) (B) avoid legal process summoning the witness or informant to testify or supply evidence; or
 - (iii) (C) absent himself the person from any proceeding or investigation to which the witness or informant has been legally summoned; or
- (9) confers, offers or agrees to confer any property on an individual for:
 - (A) casting a ballot or refraining from casting a ballot; or
 - (B) voting for a political party, for a candidate, or for or against a public question;

in an election described in IC 3-5-1-2, or at a convention of a political party authorized under IC 3;

commits bribery, a Class C felony.

(b) It is no defense that the person whom the accused person sought to control was not qualified to act in the desired way.













SECTION 31. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 3-5-2 apply throughout this SECTION.

- (b) Not later than March 31, 2004, the commission shall act under IC 3-5-4-8 to prescribe absentee ballot application forms that comply with IC 3-11, as amended by this act.
- (c) This subsection does not apply to an absentee ballot application form prescribed by the commission for use by an absent uniformed services voter or overseas voter. An absentee ballot application form prescribed by the commission before April 1, 2004, may not be used or accepted by a county election board after March 31, 2004.
 - (d) This SECTION expires January 1, 2005.

SECTION 32. An emergency is declared for this act.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1151 as introduced.)

MAHERN, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1151 be amended to read as follows:

Page 20, between lines 27 and 28, begin a new paragraph and insert: "SECTION 32. [EFFECTIVE UPON PASSAGE] (a) The legislative council shall:

- (1) direct an interim or statutory committee determined by the legislative council to study the existing criminal penalties for election law violations under IC 3; and
- (2) direct the committee to report its findings to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2004.
- (b) This SECTION expires January 1, 2005.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1151 as printed January 30, 2004.)

KUZMAN

HOUSE MOTION

Mr. Speaker: I move that House Bill 1151 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-6-8-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) A watcher appointed under this chapter must satisfy both of the following:

- (1) A watcher must be a registered voter of the county.
- (2) A watcher may not be related to a candidate in a manner that would disqualify the watcher to serve as a precinct election officer under IC 3-6-6-7(a)(4)."

Page 11, between lines 29 and 30, begin a new paragraph and insert: "SECTION 11. IC 3-12-6-1.5, AS AMENDED BY P.L.40-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. A candidate for election to precinct committeeman or state convention delegate is **not** entitled to have the votes cast for that office recounted under this chapter. The political party of the candidate, in accordance with any applicable party rules, determines the winner of an election to a political party office.

SECTION 12. IC 3-12-6-21.7 IS AMENDED TO READ AS







FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.7. (a) The recount commission shall count the ballots in each precinct separately.

- (b) Unless the recount commission makes a finding under subsection (b), (c) and issues an order under subsection (d), the recount commission shall
 - (1) count ballots in accordance with this article. and
 - (2) not order that all ballots in a precinct not be counted. (b) (c) If
 - (1) a party to the recount presents evidence of fraud, tampering, or misconduct affecting that occurred in a precinct, the commission may make a finding that the fraud, tampering, or misconduct affected the integrity of the balloting within a that precinct and
 - (2) to the extent that the commission determines that the fraud, tampering, or misconduct within that precinct was so pervasive that it is impossible for the commission is unable to determine the approximate number of votes that each candidate received in that precinct.
- (d) If the commission makes a finding under subsection (c), the commission may order that none of the ballots from that precinct be counted.
- (e) If the commission adopts an order permitted by subsection (d), the commission shall determine the number of votes received by each candidate without including any votes cast in the affected precinct.".

Page 18, between lines 36 and 37, begin a new paragraph and insert: "SECTION 33. IC 33-16-4-1, AS AMENDED BY P.L.176-1999, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following are authorized to subscribe and administer oaths and take acknowledgments of all documents whatsoever, pertaining to all matters where an oath is required:

- (1) Notaries public.
- (2) Justices and judges of courts, in their respective jurisdictions.
- (3) The secretary of state of Indiana.
- (4) The clerk of the supreme court.
- (5) Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.
- (6) Clerks of circuit courts and master commissioners, in their respective counties.
- (7) Judges of United States district courts of Indiana, in their



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respective jurisdictions.

- (8) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
- (9) The following, for any purpose authorized under IC 3:
 - (A) A precinct election officer (as defined in IC 3-5-2-40.1). and
 - **(B)** An absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.
 - (C) The director, the assistant director, or an employee of the board of elections and registration established by IC 3-6-5.2-3.
- (10) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.
- (11) County auditors, in their respective counties.
- (12) Any member of the general assembly anywhere in Indiana.". Renumber all SECTIONS consecutively.

(Reference is to HB 1151 as printed January 30, 2004.)

KUZMAN





COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred House Bill No. 1151, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.4. "Household" has the meaning set forth in the Profiles of General Demographic Characteristics, Census 2000, United States Census Bureau.

SECTION 2. IC 3-6-6-39, AS AMENDED BY P.L.209-2003, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

- (1) The individual is at least sixteen (16) years of age but not more than seventeen (17) years of age.
- (2) The individual is a citizen of the United States.
- (3) The individual is a resident of the county.
- (4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.
- (5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.
- (6) The individual has the approval of the individual's parent or legal guardian.
- (7) The individual has satisfactorily completed any training required by the county election board.
- (8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.
- (b) After January 1, 2004, An individual appointed to a precinct election office or assistant under this section:
 - (1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and
 - (2) while serving as a precinct election officer or assistant:

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- (A) is not required to obtain an employment certificate under IC 20-8.1-4-1; and
- (B) is not subject to the limitations on the time and duration of employment under:
 - (i) IC 20-8.1-4-20; or
 - (ii) IC 20-8.1-4-21(b).".

Page 1, between lines 7 and 8, begin a new paragraph and insert: "SECTION 4. IC 3-7-33-4.5, AS ADDED BY P.L.209-2003, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) This section applies after December 31, 2003.

- (b) (a) Except as provided in subsection (c), (b), this section applies to an individual who:
 - (1) submits an application to register to vote by mail under IC 3-7-22; and
 - (2) has not previously voted in:
 - (A) a general election in Indiana (or a special election for federal office in Indiana); or
 - (B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26 and 42 U.S.C. 15483 on the date the application is received by the county voter registration office.
- (c) (b) This section does not apply to an individual who complies with the requirements in any of the following:
 - (1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:
 - (A) a current and valid photo identification; or
 - (B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and **residence** address of the voter **stated on** the voter registration application.

- (2) The individual submits an application to register to vote by mail under this chapter that includes the individual's:
 - (A) Indiana driver's license number; or
 - (B) last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration

under IC 20-8.1-4-1; and (B) is not subject to the limitations on the time and









application.

- (3) The individual is an absent uniformed services voter or overseas voter.
- (4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.
- (5) The individual is entitled to vote other than in person under any other federal law.
- (d) (c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.
- (e) (d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.
- (f) (e) If the county voter registration office determines that the applicant:
 - (1) is not required to submit additional documentation under this section; or
- (2) has provided the documentation required under this section; the county voter registration office shall process the application in accordance with section 5 of this chapter.
- (g) (f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20(c).
- (h) (g) The county voter registration office shall remove the notation described in subsection (g) (f) after the voter votes in an election for a federal office.

SECTION 5. IC 3-7-38.2-2, AS AMENDED BY P.L.209-2003, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter or before January 1, 2006, IC 3-7-38.1 must be:

- (1) uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);
- (2) not result in the removal of the name of a person from the official list of votes solely due to the person's failure to vote; and













- (3) completed not later than ninety (90) days before a primary, general, or municipal election.
- (b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:
 - (1) listed in the voter's registration record; and
 - (2) determined by the county voter registration office not to be the voter's current residence address.
- (c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):
 - (1) The United States Postal Service National Change of Address Service.
 - (2) A court regarding jury duty notices.
 - (3) The return of a mailing sent by the county voter registration office to all voters in the county.
 - (4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.
 - (d) The notice described in subsection (b) must:
 - (1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and
 - (2) include a postage prepaid return card that:
 - (A) is addressed to the county voter registration office;
 - (B) states a date by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and
 - (C) permits the voter to provide the voter's current residence address.
- (e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:
 - (1) in the county, the county voter registration office shall update the voter's registration record; or
 - (2) outside the county, the county voter registration office shall cancel the voter's registration.
- (f) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter









registration office shall indicate in the voter's registration record that the voter's registration is inactive.

- (g) A voter's registration that becomes inactive under subsection (f) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:
 - (1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.
 - (2) The day after the second general election in which the voter has not voted or appeared to vote.
- (h) After the date described in subsection (g)(2), the county voter registration office shall remove the voter's registration from the voter registration records."

Page 9, between lines 7 and 8, begin a new paragraph and insert: "SECTION 13. IC 3-11-8-3, AS AMENDED BY P.L.116-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before each election each county executive shall secure for each precinct of the county an accessible facility in which to hold the election.

- (b) If an accessible facility is not available within the precinct, then the polls may be located in a public building in an adjoining precinct if the public building is: polls are:
 - (1) either:
 - (A) not more than one (1) mile from the closest boundary of the precinct for which it is the polls; or
 - (B) located in the same township as the precinct that does not have an accessible facility available; and
 - (2) an accessible facility.
- (c) If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available under subsection (b), the board may locate the polls in the most convenient available accessible facility in the county.
- (d) If the county election board, by a unanimous vote of its entire membership, determines that:
 - (1) an accessible facility is not available under subsection (b) or (c); and
 - (2) the most convenient accessible facility is located in a adjoining county;

the board may locate the polls in that facility with the unanimous consent of the entire membership of the county election board of the county in which the facility is located.

SECTION 14. IC 3-11-8-7, AS AMENDED BY P.L.69-2003,









SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. In preparing the polls for an election, the county executive shall:

- (1) have placed within the room a railing separating the part of the room to be occupied by the precinct election board from that part of the room to be occupied by the voting machines, ballot card voting systems, electronic voting systems, and the three (3) or more booths or compartments for marking paper ballots, whenever either or two (2) of these voting systems are used;
- (2) ensure that the portion of the room set apart for the precinct election board includes a door at which each voter appears for challenge; and
- (3) provide a **method or material for designating the boundaries of the** chute, **such as** with a railing, rope, or wire on each side, beginning a distance equal to the length of the chute (as defined in IC 3-5-2-10) away from and leading to the door for challenge and to the room in which the election is held."

Page 9, line 11, reset in roman "who satisfies any of the following". Page 9, reset in roman lines 12 through 31.

Page 9, between lines 31 and 32, begin a new line block indented and insert:

"(9) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).".

Page 11, between lines 36 and 37, begin a new paragraph and insert: "SECTION 17. IC 3-11-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the boundaries of the chute erected designated;
- (2) the sample ballots and instruction cards posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.
- (b) At the opening of the polls, the inspector and judges shall see that there are no ballots in the ballot box before the voting begins. After the inspection of the box, the inspector shall:
 - (1) securely lock the box;
 - (2) give one (1) key to the judge of the opposite political party; and
 - (3) retain one (1) key.
- (c) Once securely locked, the ballot box may not be opened again until after the polls have been closed and the precinct election board is

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ready to immediately proceed with the counting, except as otherwise provided for central counting.

(d) The voting booths or compartments must be of a size and design to permit a voter to mark ballots in secret.

SECTION 18. IC 3-11-12-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. On the morning of election day, each precinct election board, the poll clerks, and the election sheriffs shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the boundaries of the chute erected designated;
- (2) the sample ballots and instruction cards posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

SECTION 19. IC 3-11-13-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) After the delivery of a ballot card voting system to a precinct, the precinct election board may meet at the polls on the same day and open the package containing the sample ballot cards, to determine whether the system is ready for use in accordance with section 16 of this chapter. If a ballot card voting system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

- (b) While acting under subsection (a), the precinct election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.
- (c) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:
 - (1) the boundaries of the chute erected designated;
 - (2) the sample ballots and instruction cards posted; and
 - (3) everything put in readiness for the commencement of voting at the opening of the polls.
- (d) Before the opening of the polls, the precinct election officers shall compare the ballot cards used in the marking device with the sample ballots furnished and determine whether the names, numbers, and letters are in agreement. The officers then shall certify that the marking device and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

SECTION 20. IC 3-11-14-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. On the morning of election day, the precinct election officers shall meet at the polls at

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least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the boundaries of the chute erected designated;
- (2) the sample ballots and instruction cards posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.".
- Page 12, delete lines 2 through 28.

Page 15, between lines 33 and 34, begin a new line block indented and insert:

- "(12) Except as authorized in this title:
 - (A) delivers an absentee ballot security envelope to a voter;
 - (B) requests or directs the voter to sign the absentee ballot security envelope; and
 - (C) receives from a voter the signed absentee ballot security envelope.".

Page 17, line 22, after "day" insert ":".

Page 17, line 22, strike "within:".

Page 17, line 23, after "(A)" insert "within".

Page 17, line 23, strike "or".

Page 17, line 24, reset in roman "(B)".

Page 17, line 24, after "(B)" insert "within".

Page 17, line 24, reset in roman "fifty (50) feet".

Page 17, line 24, after "of" insert "in any direction from".

Page 17, line 24, reset in roman "the entrance to the polls;".

Page 17, line 25, delete "(B)" and insert "(C)".

Page 17, line 25, after "(C)" insert "within".

Page 17, line 25, after "chute;" insert "or

(D) inside the boundaries of the chute designated under IC 3-11.".

Page 22, between lines 15 and 16, begin a new paragraph and insert: "SECTION 43. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 3-5-2 and 3-11-8-1.2 apply throughout this SECTION.

- (b) Notwithstanding IC 3-11-8-15, an individual who is issued credentials by a county election board is permitted in the polls of that county during an election to conduct a survey to determine whether the polling place is an accessible facility.
- (c) Upon a precinct election officer's request, an individual described in subsection (b) shall present to the officer the individual's credentials issued by the county election board.
 - (d) This SECTION expires December 1, 2004.".

Page 22, between lines 24 and 25, begin a new paragraph and insert:



C





"SECTION 45. [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)] (a) This SECTION applies to an individual:

- (1) who was elected during November 2003 to an office of a political subdivision; and
- (2) to whom IC 5-4-1-1.2 applies.
- (b) Notwithstanding the time limits under IC 5-4-1-1.2(c), an individual's deposit before March 1, 2004, of the oath required by IC 5-4-1-1 with the office listed in IC 5-4-1-4 is legalized, and IC 5-4-1-1.2(d) does not apply.
 - (c) This SECTION expires July 1, 2004.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1151 as reprinted February 5, 2004.)

HERSHMAN, Chairperson

Committee Vote: Yeas 8, Nays 0.

C





